UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,889	09/17/2003	Xin Xue	SONY-26800	9090

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HAVERSTOCK & OWENS LLP
162 N WOLFE ROAD
SUNNYVALE, CA 94086

EXAMINER
TO, BAOTRAN N

ART UNIT	PAPER NUMBER
2135	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 June 2008</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-43</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-43</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>04/14/08</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This Office action is in response to the Applicant's Amendment filed 06/11/2008.

Claims 10 and 36 are amended.

Claims 1-43 are pending in the application.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-43 have been considered but are

moot in view of the new ground(s) of rejection.

Information Disclosure Statement

3.   The information disclosure statement (IDS) submitted on 04/14/2008. The

submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the

information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hori

et al. (U.S. Patent Application Publication: 2004/0010467 A1) hereinafter Hori in view of

Phillips et al. (U.S. Patent 7,376,386 B2) hereinafter Phillips.

Regarding Claim 1, Hori discloses a method of downloading content from a

server to an electronic device (Figure 1), comprising:

storing authentication data on a removable memory (memory card 110)

(Abstract);

accessing the server (distribution server 30) with the electronic device (cellular

phone 100/102) (Figure 1, elements 30, 100 or 102, paragraph 0064 and 0068);

authenticating the removable memory by reading the authentication data from

the removable memory (paragraphs 0064 and 0089); and

downloading the content from the server to the removable memory according to

the predetermined level of content access (paragraphs 0064-0065 and 0089).

Hori does not explicitly disclose wherein the authentication data includes a

predetermined level of content access and to determine the predetermined level of

content access.

However, Phillips expressly discloses wherein the authentication data includes a

predetermined level of content access and to determine the predetermined level of

content access (Figures 8 and 9, col. 24, lines 4-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have incorporated Phillips's invention within Hori to

include the authentication data includes a predetermined level of content access. One

of ordinary skill in the art would have been to do so because it would allow the user can

select a content object that is in turn provided to the user (Phillips, col. 24, lines 33-34).

Regarding Claim 10, Hori discloses a system for downloading content from a server to an electronic device, comprising:

means for storing authentication data on a removable memory (memory card 110/112), further wherein the authentication data is preinstalled on the removable memory (Abstract);

means for receiving the removable memory in the electronic device (Figure1, paragraph 0065);

means for accessing the server (distribution server 30) with the electronic device (cellular phone 100/102) (Figure 1, elements 30, 100 or 102, paragraphs 0064 and 0068);

means for authenticating the removable memory by reading the authentication data from the removable memory to (paragraphs 0064 and 0089); and

means for downloading the content from the server to the removable memory according to the predetermined level of content access (paragraphs 0064-0065 and 0089).

Hori does not explicitly disclose wherein the authentication data includes a predetermined level of content access and to determine the predetermined level of content access.

However, Phillips expressly discloses wherein the authentication data includes a predetermined level of content access and to determine the predetermined level of content access (Figures 8 and 9, col. 24, lines 4-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Phillips's invention within Hori to include the authentication data includes a predetermined level of content access. One of ordinary skill in the art would have been to do so because it would allow the user can select a content object that is in turn provided to the user (Phillips, col. 24, lines 33-34).

Regarding Claim 19, Hori discloses a system for downloading content, comprising:

a removable memory (memory card 110/112), the removable memory including authentication data (abstract);

an electronic device configured to receive the removable memory (cellular phone 100/102) (Figure 1, elements 30, 100 or 102, paragraphs 0064-0065 and 0068); and

a server (distribution server 30), wherein when the electronic device accesses the server, the removable memory is authenticated by reading the authentication data from the removable memory (paragraphs 0064 and 0089), and further wherein once authenticated, content according to the predetermined level of content access is downloaded from the server to the electronic device (Figure 1, elements 30, 100 or 102, paragraphs 0064-0065 and 0089).

Hori does not explicitly disclose wherein the authentication data includes a predetermined level of content access and determining the predetermined level of content access.

However, Phillips expressly discloses wherein the authentication data includes a predetermined level of content access and determining the predetermined level of content access (Figures 8 and 9, col. 24, lines 4-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Phillips's invention within Hori to include the authentication data includes a predetermined level of content access. One of ordinary skill in the art would have been to do so because it would allow the user can select a content object that is in turn provided to the user (Phillips, col. 24, lines 33-34).

Regarding Claim 28, Hori discloses an electronic device for downloading, comprising:

a memory slot configured to receive a removable memory (memory card 110/112), wherein the removable memory includes authentication data (Abstract); and

a communications interface configured for coupling to a server (distribution server 30), wherein when the electronic device accesses the server through the communications interface, the removable memory is authenticated by reading the authentication data from the removable memory (paragraphs 0064 and 0089), further wherein content according to the predetermined level of content access is downloaded (Figure 1, elements 30, 100 or 102, paragraphs 0064-0065 and 0089).

Hori does not explicitly disclose wherein the authentication data includes a predetermined level of content access and to determine the predetermined level of content access.

However, Phillips expressly discloses wherein the authentication data includes a predetermined level of content access and to determine the predetermined level of content access (Figures 8 and 9, col. 24, lines 4-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Phillips's invention within Hori to include the authentication data includes a predetermined level of content access. One of ordinary skill in the art would have been to do so because it would allow the user can select a content object that is in turn provided to the user (Phillips, col. 24, lines 33-34).

Regarding Claim 36, Hori discloses a removable memory (memory card 110/112) for downloading, comprising:

authentication data (Abstract);

a communications interface configured for coupling to a server (distribution server 30), wherein when an electronic device (cellular phone 100/102) accesses the server through the communications interface (Figure 1, paragraph 0138), the removable memory is authenticated by reading the authentication data from the removable memory (paragraphs 0064 and 0089), further wherein the electronic device includes a memory slot configured to receive the removable memory (Figure1, paragraph 0063-0064), and further

wherein content according to the predetermined level of content access is downloaded (Figure 1, elements 30, 100 or 102, paragraphs 0064-0065 and 0089).

Hori does not explicitly disclose wherein the authentication data includes a predetermined level of content access and to determine the predetermined level of content access.

However, Phillips expressly discloses wherein the authentication data includes a predetermined level of content access and to determine the predetermined level of content access (Figures 8 and 9, col. 24, lines 4-35).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated Phillips's invention within Hori to include the authentication data includes a predetermined level of content access. One of ordinary skill in the art would have been to do so because it would allow the user can select a content object that is in turn provided to the user (Phillips, col. 24, lines 33-34).

Hori and Phillips disclose the limitations above. Hori and Phillips further disclose wherein the predetermined level of content access determines how much of the content on the server is available for download (Phillips, Figures 8 and 9, col. 24, lines 4-35).

Regarding Claims 2, 11, 20, 29, and 37, Hori and Phillips disclose the limitations of Claim 1 above. Hori further discloses wherein the authenticating is performed by the server (paragraph 0063).

Regarding Claims 3, 12, 21, 30, and 38, Hori and Phillips disclose the limitations of Claim 1 above. Hori further discloses wherein the removable memory is a semiconductor memory (Figure 1, element 110, paragraph 0065).

Regarding Claims 4, 13, 22, 31, and 39, Hori and Phillips disclose the limitations of Claim 1 above. Hori further discloses time stamping the authentication data, such that the predetermined level of content access is available for a predetermined amount of time (paragraphs 0099-0100, 0115).

Regarding Claims 5, 14, 23, 32, and 40, Hori and Phillips disclose the limitations of Claim 1 above. Hori further discloses wherein the server is accessed through a wired internet connection, further wherein the wired internet connection includes a conduit and a personal computer (Figures 1 and 4).

Regarding Claims 6, 15, 24, 33, and 41, Hori and Phillips disclose the limitations of Claim 1 above. Hori further discloses wherein the server is accessed through a wireless connection (Figure 1, paragraph 0076).

Regarding Claims 7, 16, and 25, Hori and Phillips disclose the limitations of Claim 6 above. Hori further discloses wherein the wireless connection includes an internet connection (paragraph 0071).

Regarding Claims 8, 17, 26, 34, and 42, Hori and Phillips disclose the limitations of Claim 6 above. Hori further discloses wherein the wireless connection includes a local area network (paragraph 0071).

Regarding Claims 9, 18, 27, 35, and 43, Hori and Phillips disclose the limitations

of Claim 6 above. Hori further discloses wherein the wireless connection includes a

wide area network (paragraph 0071).

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Baotran N. To whose telephone number is (571)272-

8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
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USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. N. T./
Examiner, Art Unit 2135
/KimYen Vu/
Supervisory Patent Examiner, Art Unit 2135